

**DEC 05 2005**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ANTHONY KONTOS,

Defendant - Appellant.

No. 04-50274

D.C. No. CR-02-00106-RT-01

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Central District of California  
Robert J. Timlin, District Judge, Presiding

Submitted November 8, 2005<sup>\*\*</sup>

Before: WALLACE, LEAVY, and BERZON, Circuit Judges.

Anthony Kontos appeals the 140-month sentence imposed after his guilty plea conviction for illegal possession of a listed chemical in violation of 21 U.S.C. § 841(c)(2), 802(33) and (34)(K).

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<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

We dismiss in light of the valid appeal waiver. *See United States v. Smith*, 389 F.3d 944, 953 (9th Cir. 2004) (appeal waiver is valid if language of waiver encompasses the right to appeal on the grounds claimed on appeal, and waiver is knowingly and voluntarily made); *see also United States v. Cardenas*, 405 F.3d 1046, 1048 (9th Cir. 2005) (holding that the changes in sentencing law imposed by *United States v. Booker*, 125 S. Ct. 738 (2005), did not render waiver of appeal involuntary and unknowing).

**DISMISSED.**